

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AMANDA FRLEKIN, *et al.*, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

APPLE, INC.,

Defendant.

No. C 13-03451 WHA  
No. C 13-04727 WHA

**ORDER DISMISSING CLAIMS,  
CONSOLIDATING CASES, AND  
REQUESTING BRIEFING**

TAYLOR KALIN, individually and on behalf  
of all others similarly situated,

Plaintiffs,

v.

APPLE, INC.,

Defendant.

On December 9, the Supreme Court decided *Integrity Staffing Solutions, Inc. v. Busk*, No. 13-433, 574 U.S. —, 2014 WL 6885951, at \*7 (2014). Accordingly, the partial stay herein was lifted and supplemental briefing was requested.

*First*, the two above-captioned actions are hereby **CONSOLIDATED FOR ALL PURPOSES**. All filings shall be made in *Frlekin, et al. v. Apple, Inc.*, No. 3:13-cv-03451-WHA, and deemed to have been filed in both actions.


*Second*, named plaintiffs Dean Pelle, Adam Kilker, and Brandon Fisher's individual claims under the FLSA, New York, Massachusetts, and Ohio state law are hereby **DISMISSED WITH PREJUDICE**. Both sides agree that these claims do not survive *Busk* (Dkt. Nos. 210, 211).

1 This dismissal, of course, is only as to the named plaintiffs' individual claims since no class has  
2 been certified.

3 *Third*, the parties raise two issues: (1) whether plaintiffs should be allowed leave to file a  
4 new consolidated complaint that combines the claims in *Frlekin* and *Kalin* and (2) whether  
5 jurisdiction should be exercised over the remaining claims (which are only California state-law  
6 claims) under supplemental jurisdiction or the Class Action Fairness Act, 28 U.S.C. 1332(d).  
7 To tee this up, plaintiffs' counsel shall file a motion for leave to file a second amended complaint  
8 by **JANUARY 6 AT NOON**, noticed on a normal 35-day track. Plaintiffs shall please append  
9 redlines showing the differences between the new pleading and the pleadings in *Frlekin* and  
10 *Kalin*. Plaintiffs must plead their best and most plausible case. In light of this, Apple need not  
11 file a reply regarding *Busk* by December 29.

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13 **IT IS SO ORDERED.**

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15 Dated: December 23, 2014.

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17 WILLIAM ALSUP  
18 UNITED STATES DISTRICT JUDGE  
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